

			<p><b>DAVID A. ROBERTS</b>, Attorney for Former Conservator David J. St. Louis, and subsequently Former Successor Conservator Joan St. Louis, is Petitioner.</p> <p><b>Petitioner has previously requested and been paid a total of \$29,414.00</b> for work from October 2011 through December 2013.</p> <p><b>Petitioner requests compensation in the total amount of \$52,217.10</b> consisting of fees of \$50,120.00 and costs of \$2,097.10 for the period 1/1/14 through 2/20/15.</p> <p>Services include numerous attorney-client related personal and telephonic conferences with Mrs. St. Louis, Attorneys Deborah Boyett, Paul Chambers, Stefanie Krause, and Leigh Burnside, preparing and assisting in the accountings submitted, attendance at the hearing on that accounting and the objections thereto, evaluating and dealing with issues surrounding a failure to pay estimated taxes for the Conservatee, time spent on a conservatorship challenge, analyzing and evaluating the accounting prepared by Wells Fargo regarding the Bingham Administrative Trust, which appeared to subsume the Survivor's Trust, the Marital Exempt and Non-Exempt Trusts and the Exemption Trust.</p> <p>Petitioner's itemization includes 156.90 attorney hours @ \$300/hr and 27.30 paralegal hours @ \$100-120/hr.</p> <p>Costs include filing fees, certified letters, telephonic appearances, and photocopies.</p> <p>Petitioner states all cash assets of the Conservatee, \$110,708.97, held by Mrs. St. Louis as conservator were transferred to Randy Grace as conservator on 1/2/15.</p> <p><b>Objections were filed by Randy Grace, current Conservator of the Person and Estate on 6/2/15. See Page 2.</b></p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><u>Note:</u> Page B is a status hearing re filing the final account of the former conservator (Petitioner's client). Pursuant to Cal. Rule of Court 7.752, the Court may require accounting prior to authorizing compensation.</p> <p><u>Note:</u> Deborah Boyett, Court appointed attorney for Conservatee, filed Notice of Non-Opposition on 5/29/15.</p> <p>1. Petitioner requests compensation from the conservatorship estate for services in connection with the conservatee's trust. The Court may require clarification or payment from the trust rather than the conservatorship estate.</p>
<p>Cont. from 050515, 060215</p>				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
✓	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

**Objections state** Ms. St. Louis' tenure as conservator was fraught with issues. Rather than rehashing the issues herein, Objector directs the Court's attention to the Petition for Removal of Conservator filed 10/10/14, which sets forth the factual and legal issues that arose. Rather than voluntarily resigning, Ms. St. Louis refused to do so and required the petition to be brought. It was only after it became clear that the Court would remove her that she sought leave to resign. Despite numerous efforts over the past year, Ms. St. Louis and her counsel have yet to have any accounting approved. Notwithstanding this failure, Mr. Roberts seeks award of \$50,120 plus costs of \$2,097.10 in this petition. Objector refers to Probate Code §2430(a)(4) and Cal. Rule of Court 7.7565 as the legal standard for attorney fees in conservatorship, and states the request is premature and should be continued until the final account is filed because it is impossible to determine whether the request is reasonable. Mr. Roberts and his staff have already spent significant time attempting to have an accounting approved, which efforts have yielded no benefit to the estate. While Objector recognizes the accounting may be complex, he contends the time spent on the accountings is already excessive and the final account is yet to be completed.

Objector states the request seeks fees for opposing the removal action, and states the decision to oppose the removal petition could not have been motivated by a good-faith belief that it was in the conservatee's best interest to defeat the petition. Ms. St. Louis was unable to literally keep the lights on at the conservatee's home. She failed to pay bills, provide spending money, cancelled appointments, billed excessively for her travel time, sought excessive compensation, etc. Authority cited. She breached numerous fiduciary duties and neglected the Conservatee. The declarations in support of the petition for removal establish that any assertion that Ms. St. Louis believed her opposition was in the best interest of the Conservatee was not in fact objectively reasonable.

Objector states no sufficient detail is given to justify fees for dealing with taxes. Ms. St. Louis failed to pay taxes while acting as conservator, resulting in penalties. The billing memo has entries that deal with addressing Ms. St. Louis' negligence in this regard. Objector contends Ms. St. Louis should be personally responsible for these fees, as they were of no value to the conservatorship estate and were only incurred because of her negligence.

**Objector requests:**

- 1. The Court continue this matter until the date of the final accounting;**
- 2. No fees are allowed for services rendered in connection with the accountings which have yet to be approved and therefore the request is reduced by \$9,054;**
- 3. No fees are allowed for services rendered in connection with the petition for removal and therefore the request is reduced by \$12,120;**
- 4. No fees are allowed for services rendered in connection with the failure to pay taxes by Ms. St. Louis and therefore the request is reduced by \$2,400; and**
- 5. For all other order the court deems just and proper.**

		<p><b>JOAN ST. LOUIS</b>, Former Conservator, filed her <b>First Amended First Account</b> on 7-31-14 for account period 4-25-12 through 12-31-13.</p> <p>At hearing on 11-19-14, the Court took the <b>First Amended First Account</b> under submission.</p> <p>Pursuant to <b>Order Granting Conservator Leave to Resign as Conservator of the Person and Estate filed 12-4-14</b>, Mrs. St. Louis' resignation would be effective at 12-31-14, and she was <b>ordered to render a final account on or before 3-1-15</b>.</p> <p>Subsequently, the Court's <b>Order on First Amended First Account filed 2-10-15</b> denied the First Amended First Account and <b>ordered that a Second Amended First Account be filed no later than 3-16-15</b>.</p> <p>On 2-25-15, Mrs. St. Louis filed an <b>Ex Parte Petition for Extension of Time to File Final Account</b>, given that a Second Amended First Account is now required.</p> <p>On 3-2-15, the Court set <b>status hearing regarding the filing of the Second Amended First Account</b> for 5-15-15, and stated that it will address the <b>Ex Parte Petition for Extension of Time to File Final Account</b> at the 5-15-15 hearing as well.</p> <p><b>Minute Order 5-15-15:</b> The Court agrees to 30 days, but then will look at imposing significant sanctions if the petition is not filed at that point. If the petition is filed at least two court days prior, then no appearance is necessary. However, if the petition is not filed, Mr. Roberts and Joan St. Louis are both ordered to be personally present in court on 6/12/15 and to file a verified Status Report at least two court days prior.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li><b>1. Need Second Amended First Account (for account period 4-25-12 through 12-31-13).</b></li> <li><b>2. Need Final Account (for account period 1-1-14 through 12-31-14).</b></li> </ol>
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 6/9/15
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 1B - Bingham</b>

<b>DOD: 6/15/2012</b>		<p><b>ESPERANZA S. BOOKE</b>, sister, was appointed Administrator with Full IAEA authority without bond on 1/9/2013.</p> <p><b>Letters issued on 1/16/2013.</b></p> <p><b>Pursuant to Probate Code § 8800(b)</b>, <i>Final Inventory and Appraisal</i> was due <b>5/16/2013</b>.</p> <p><b>Inventory and Appraisal filed on 8/22/2013</b> shows an estate value of <b>\$0.00</b>, indicating this is a no-asset estate opened in order to allow the personal representative to proceed with a wrongful death claim on behalf of Decedent's heirs.</p> <p><b>Pursuant to Probate Code § 12200</b>, first account and/or petition for final distribution was due <b>1/16/2014</b>.</p> <p><b>Minute Order dated 1/9/2013</b> set a Status Hearing on 3/7/2014 for filing of the first account and/or petition for final distribution.</p> <p><b>Minute Order [Judge Hamlin] dated 3/7/2014</b> states: No appearances. The Court will expect the first account and/or petition for final distribution to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Matter continued to 4/4/2014. Kara Schacher is ordered to be personally present on 4/4/2014.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 4/4/2014.</b> Minute Order states the Court is informed that the estate is being kept open for the purpose of pursuing the litigation.</p> <p><b>The following issues from the last hearing remain:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 8800(b), based upon the <i>Inventory and Appraisal</i> filed on <b>8/22/2013</b> not actually containing an inventory or appraisal of the estate pending resolution of a wrongful death proceeding. Recovered funds from the proceeding must be inventoried and appraised and reported to the Court in a filed <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 8800.</li> <li>2. Need first and final account, or current verified Status Report and proof of service of the Status Report pursuant to Local Rule 7.5(B).</li> </ol>
<b>Cont. from: 030714, 040414</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>	X		
<b>Account</b>	X		
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>	X		
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 6/10/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 – Salinas</b></p>	

## Status Hearing Re: Filing of the First Account or Petition for Final Distribution

<b>DOD: 2/24/14</b>	<b>RACHELLE IRELAND</b> , Daughter, was appointed Executor with Full IAEA without bond on 4/16/15. Letters issued 4/17/15.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need First Account or Petition for Final Distribution or written status report pursuant to Local Rule 7.5.</b>
<b>Aff.Sub.Wit.</b>	At the hearing on 4/16/15, the Court set this status hearing re filing the first account or petition for final distribution.	
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>	Final I&A filed 5/16/14 indicates a total estate value of \$199,122.60.	
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	Supplemental I&A filed 7/29/14 indicates an additional asset valued at \$43,919.00.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	Various receipts have been filed in connection with distribution of misc. personal effects.	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	Various creditor's claims have also been filed.	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 6/9/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 3 - Stafford</b>

### Status RE: Filing of First Account or Petition for Final Distribution

			<div>NEEDS/PROBLEMS/COMMENTS:</div> <div><div>OFF CALENDAR</div><div>Order for final distribution was entered 2/26/15.</div><div><div>Note:</div> At the hearing on 2/26/15, a status hearing was set for 9/2/15 regarding the filing of an informal accounting of the \$5,000.00 closing reserve. Pursuant to Verified Status Report filed 5/18/15, no additional fees or costs were paid from the reserve and the reserve funds was transferred to the trustees of the trust pursuant to the decedent's will.</div><div>Therefore, the status hearing set for 9/2/15 has also been taken off calendar.</div></div>
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		